

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

ALL CASES

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**DECLARATION OF PETER J. MOUGEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR MODIFICATION OF CMO 1 REGARDING
RELATION BACK AND TOLLING**

I, Peter J. Mougey, declare and state as follows:

1. I am a partner at the law firm of LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, P.A ("LEVIN PAPANTONIO"). I submit this declaration in support of Plaintiff's Motion for Modification of CMO 1 Regarding Relation Back and Tolling. I have personal knowledge of the matters set forth in this declaration, and, if called as a witness could and would testify competently thereto.

2. I am a member of the Plaintiffs' Executive Committee ("PEC") in the *In re National Prescription Opiate Litigation*, MDL No. 2804.

3. As a PEC member, and at the direction of co-lead counsel, I have worked with the DEA and the Plaintiffs' consultant on obtaining and analyzing the ARCOS data.

4. On April 20, 2018, the DEA produced transactional ARCOS Data for six states: Alabama, Florida, Illinois, Ohio, Michigan, and West Virginia. *See* Dkt. 247. That production included certain data fields necessary to Plaintiffs' analysis of the transactional ARCOS Data.

5. On May 18, 2018, the DEA produced transactional for the remaining 44 states. *See* Dkt. 468. However, we discovered upon initial review of the data fields for that production that the 44 state production was missing material data fields which had been produced for the previous six state production, including the data fields identifying the “Buyer Name” and additional information found within the field “Buyer Addl Co Info.”

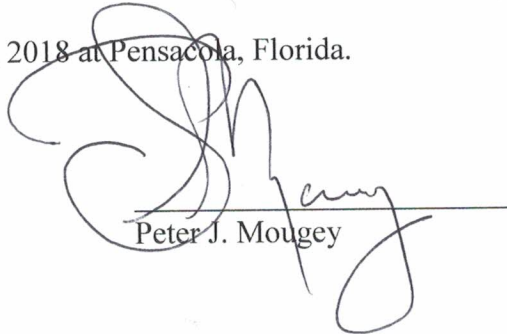
6. On May 23, 2018, I contacted the DEA via email to notify them that the data fields were missing.

7. On June 5, 2018, the DEA made an additional production of data. *See* Dkt. 552. As of today, we have not yet been able to confirm that the production of data fields for the 44 state production is complete.

8. The currently produced transactional ARCOS data for the fifty states comprises more than 374 million lines of data.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Executed on this 13th day of June, 2018 at Pensacola, Florida.



Peter J. Mougey